

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KENNETH NICHOLSON, 09A5751,

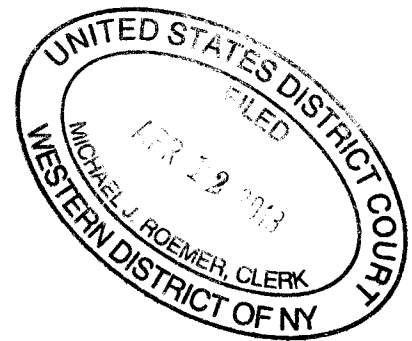
Plaintiff,

-v-

DECISION AND ORDER
13-CV-6072G(P)

BRIAN FISCHER, Commissioner;
DALE ARTUS, Superintendent;
THOMAS J. STICHT, D.S.S.;
G. LUCAS, Correction Lieutenant;
JAMES JOHNSON, Correction Sergeant;
JASON BARRETT, Correction Officer;
JAMES FRANCE, JR., Correction Officer
and RICHARD BROOKS, Correction Officer
and in their official capacities;

Defendants.



Plaintiff has filed a second motion for appointment of counsel Docket # 9). There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore, plaintiff's motion for appointment of counsel is denied without prejudice to renewal once the defendants have responded to plaintiff's complaint.

IT IS SO ORDERED.

FRANK P. GERACI, JR.
United States District Judge

DATED: April 12, 2013
Rochester, New York